

Carlos Hernández
Mayor

Isis Garcia-Martinez
Council President

Luis González
Council Vice President



Council Members
Jose F. Caragol
Vivian Casáls-Muñoz
Katharine E. Cue-Fuente
Paul B. Hernández
Lourdes Lozano

City Council Summary Agenda November 26, 2013 7:00 P.M.

Call to Order- **Council President Garcia-Martinez called the meeting to order.**

Roll Call of Council Members **All Council Members present, except Katharine E. Cue-Fuente who was absent.**

- **Also present were:**
 - **Carlos Hernandez, Mayor**
 - **William Grodnick, City Attorney**
 - **Marbelys Fatjo, Acting City Clerk**

Invocation given by Acting City Clerk, Marbelys Fatjo - **Invocation given during the Charter School Oversight Committee Meeting**

Pledge of Allegiance led by Councilmember Lourdes Lozano – **Pledge of Allegiance led during the Charter School Oversight Committee Meeting**

Meeting Guidelines

REPORT: The meeting guidelines were read into the record by the Acting City Clerk, and translated to Spanish by Maricarmen Lopez, Administrative Aide in the Office of the City Clerk.

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the

public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.

Presentations -

- (1) **REPORT:** Council President Garcia-Martinez presented Lisboa Habana Restaurant with a Certificate of Appreciation for their contribution, service and support to the Woman's Club of Hialeah for the Breast Cancer Awareness month event.
- (2) Mayor Hernandez presents a Proclamation to Cuban activist Jorge Luis Garcia Perez Antuñez. **Mr. Jorge Luis Garcia Perez Antuñez was not present during the meeting.**
- (3) **REPORT:** Mayor Hernandez presented the winners of the Turkey Trot held on November 25, 2013 with prizes:
 - **Mel Viote** – First Place, Division: Boys, Ages 5-7, is presented with a trophy and a turkey
 - **Marjury Rodriguez** – First Place, Division: Girls, Ages 11-13, is presented with a trophy and a turkey.
 - **Yennifer Gandia** – Second Place, Division: Girls, Ages 11-13, is presented with a trophy and a pie.
1. Announcement of Amendments/Corrections to the Agenda – **Items I, J, K and 11 were added to the Agenda. The City did not proceed with the revocation hearing in item 10 because the business owner agreed to a 30 day suspension commencing December 2, 2013 continuing through New Year's Day. The applicant's representative for item PZ6 requested that the item be tabled until December 10, 2013.**
2. Consent Agenda –

REPORT: Motion to Approve the Consent Agenda made by Council Vice President Gonzalez and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (6-0-1).

- A. Request from the Church of St. Benedict for a carnival permit on church grounds, 701 West 77 Street, Hialeah, Florida, from Thursday, February 20, 2014 through Sunday, February 23, 2014, as approved by the Hialeah Police and Fire Departments. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1)**
- B. Request permission to issue a new purchase order to Schindler Elevator Corporation, for an elevator inspection and additional work consisting of running the elevators in order to patch the concrete both of which caused an increase to the original contract amount, for the 36-Unit Elderly Housing Project, in the amount of \$1,710.26. A purchase order was previously issued to this vendor in the prior fiscal year pursuant to Hialeah Bid #2011-12-3230-00-056. Approval of a new purchase order for fiscal year 2013-2014 would thereby increase the total amount of the expenditure to \$161,210.26. (CONSTRUCTION AND

MAINTENANCE DEPT. & DEPT. OF GRANTS AND HUMAN SERVICES)
APPROVED (6-0-1)

- C. Request permission for a street closure permit to hold the City's *Art of Palm Festival*, on Palm Avenue, from 9th Street to Okeechobee Road, inclusive of the City Hall Complex area, and East 1st Avenue to West 1st Avenue along 4th, 5th, 6th, 7th and 8th Street, and East 3rd Avenue from Okeechobee Road to West 1st Street, on Saturday, February 22, 2014 from 8:00 a.m. to 12:00 a.m. Further request to allow an Anheuser Busch beer station on the premises, in benefit of the City of Hialeah Scholarship Fund, Inc. (EDUCATION AND COMMUNITY SERVICES DEPT.) **APPROVED (6-0-1)**
- D. Request permission to increase purchase order # 2014-296, since it is advantageous to the City, issued to Guzman Group LLC, to provide children's rides, bounce houses, games, related equipment, operators, tents and services for the City's *Snowblast*, *Eggstravaganza*, *Art on Palm* and other City events, by an additional amount of \$10,000, for a new total cumulative amount not to exceed \$24,000. (EDUCATION AND COMMUNITY SERVICES) **APPROVED (6-0-1)**
- E. Proposed resolution authorizing the Mayor or his designee on behalf of the City of Hialeah, Florida, to enter into an Interlocal Agreement with Miami-Dade County to receive an allocation of \$1,200,000.00 dollars under the County's General Obligation Bond Program to construct a Cultural Heritage Education and Performing Arts Park to be located at West 18th Avenue and 76th Street and to execute any and all documents in furtherance thereof. (DEPT. OF GRANTS AND HUMAN SERVICES) **APPROVED (6-0-1) RESOLUTION NO. 2013-118**
- F. Proposed resolution authorizing the Mayor or designee to renew insurance coverage through Keen, Battle, Mead & Company for calendar year 2014 in an estimated amount not to exceed \$69,323.59 for fire, windstorm and other covered perils coverage and inland marine coverage for the Department of Water and Sewers and its distribution facilities; and waiving competitive bidding requirements as advantageous to the City. (RISK MANAGEMENT) **APPROVED (6-0-1) RESOLUTION NO. 2013-119**
- G. Proposed resolution authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into an agreement with the State Attorney's Office for the Eleventh Judicial Circuit of Florida in the form attached and made part hereof as Exhibit "1" in order to reimburse the State Attorney as provided herein for prosecuting criminal violations of the Hialeah Code (state misdemeanors) and County Code criminal violations not ancillary to State prosecution for a term commencing on October 1, 2013 through September 30, 2014. (POLICE DEPT.) **APPROVED (6-0-1) RESOLUTION NO. 2013-120**
- H. Proposed resolution approving the expenditure totaling an amount not to exceed \$60,000.00 from the Law Enforcement Trust Fund - *Federal*, for the rental of undercover vehicles, from Enterprise Leasing vendor # 17908, upon such costs having been approved by the Chief of Police. (POLICE DEPT.) **APPROVED (6-0-1) RESOLUTION NO. 2013-121**

- I. Request permission to upgrade the City's current Electronic Document Management System, Solomon's CFC Scan, since it is advantageous to the City in that the version of software the City is currently using has reached its end of life for both updates and support, in a total cumulative amount not to exceed \$81,000 including software, maintenance, and two scanners. (INFORMATION TECHNOLOGY DEPT.) **APPROVED (6-0-1)**
- J. Proposed resolution authorizing the execution and delivery of an Installment Purchase Agreement with respect to the acquisition, purchase and financing of certain computer software and related services for the public benefit; authorizing the execution and delivery of documents required in connection therewith; and authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution. (INFORMATION TECHNOLOGY DEPT.) **APPROVED (6-0-1)**
RESOLUTIONS 2013-122
- K. Request from ABC Promotions Unlimited, Inc., for a Christmas Tree Sales Permit, to benefit the Hialeah Concerned Families, from November 28, 2013 through December 24, 2013, at the out parcel located on the southwest corner of Westland Mall. ABC Promotions Unlimited was granted a Christmas Tree Sales Permit by this Council on September 24, 2013 for sales at 1460 West 49 Street in front of the K-mart store. ABC Promotions needs to change the location of the sales from the parking lot of K-mart store to the said property in Westland Mall. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1)**
3. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled "Administration", Article III. Boards, Commissions and Committees, and in particular, by adding a new division, Division 8. Pension Reform Committee, to establish a Pension Reform Committee and provide duties and powers of the committee, composition of membership and term of service and board meetings to conduct business; repealing all ordinances or parts of ordinances in conflict herewith; providing for inclusion in code; providing penalties for violation hereof; providing for severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (6-0-1) ORDINANCE NO. 2013-81**

Motion to Approve made by Council Vice-President Gonzalez and seconded by Councilman Caragol. MOTION PASSED (6-0-1).

4. Second reading and public hearing of proposed ordinance amending Chapter 94 entitled "Water and Sewers", Article IV. Procedures for Water and Sewer Services, Division 4. Rates, Fees and Charges, of the Code of Ordinances of the City of Hialeah, Florida, and in particular, by adopting and creating a new section, Hialeah Code § 94-163 entitled "Water and Wastewater Payment in lieu of Franchise Fees"; providing a short title; providing findings and intent; repealing all ordinance or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (6-0-1) ORDINANCE NO. 2013-82**

REPORT: Juan Santana, 1190 West 56 Street, Hialeah, FL, asked a question regarding this item and William Grodnick addressed his question.

Motion to Approve made by Council Vice-President Gonzalez and seconded by Councilwoman Lozano. MOTION PASSED (6-0-1).

5. Second reading and public of hearing proposed ordinance amending Chapter 46 entitled "Historical Preservation" of the Code of Ordinances, and in particular, revising Hialeah Code § 46-40 entitled "Powers and Duties" to codify the power and duty of the Historic Preservation Board to recommend the naming of city buildings, facilities, parks, rights-of-way and other city properties to the City Council and to prohibit the naming of such properties after Elected Officials or relatives of Elected Officials during the lifetime of the Elected Officials; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (ADMINISTRATION) **APPROVED (6-0-1) ORINANCE NO. 2013-83**

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (6-0-1).

6. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled "Administration" of the Code of Ordinances, Article V. entitled "Finance", Division 2. entitled "Fees and Charges", and in particular amending Section 2-871 "Duplication and Certification of Public Documents" increasing the Notary Public fee from one dollar to two dollars and increasing the Property Lien Search service from twenty-five dollars to thirty dollars; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) ORINANCE NO. 2013-84**

Motion to Approve made by Councilman Caragol and seconded by Council Vice President Gonzalez MOTION PASSED (6-0-1).

7. Second reading and public hearing of proposed ordinance amending Chapter 2 entitled "Administration" of the Code of Ordinances, Article V. entitled "Finance", Division 2. entitled "Fees and Charges", and in particular amending Section 2-871 "Duplication and Certification of Public Documents" to define the term "extensive", and to amend the Special Service Charge; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (OFFICE OF THE CITY CLERK) **APPROVED (6-0-1) ORDINANCE NO. 2013-85**

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (6-0-1).

8. Second reading and public hearing of proposed ordinance authorizing the release of a portion of a water and sewer line easement for the installation, operation and maintenance of an underground water and sewer main line on property located at 3240-3430 West 80 Street, Hialeah, Florida, and more particularly described in the surveyor's legal description and sketch attached hereto and made a part hereof as Exhibit "1"; and

authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City to execute the partial release of easement attached hereto as Exhibit “2”. **APPROVED (6-0-1) ORINANCE NO. 2013-86**

Motion to Approve made by Council Vice President Gonzalez and seconded by Councilman Caragol. MOTION PASSED (6-0-1).

9. First reading of proposed ordinance amending Chapter 98 entitled "Zoning", Article V. Zoning District Regulations, of the Code of Ordinances and in particular, adding a new division, Division 34 entitled “Alwod Artist Live/Work Overlay District” to provide regulations for the Artist Live/Work Overlay District, including, but not limited to, definitions, purpose, geographic area, development standards, operating requirements and artist studio regulations; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for inclusion in code; providing for a severability clause and providing for an effective date. (COUNCILMAN PAUL HERNANDEZ) **APPROVED (6-0-1)**

REPORT: Mayor Hernandez, Council President Garcia-Martinez and Councilwoman Lozano congratulated Councilman Hernandez on this item .

Motion to Approve made by Councilman Caragol and seconded by Councilwoman Casals-Muñoz. MOTION PASSED (6-0-1)

10. ~~License suspension/revocation hearing pursuant to Section 86 57 of the Hialeah Code. The Licensing Administrator has determined that licensee, Cache Restaurant and Cafeteria, Inc., located at 1500 Palm Avenue, Hialeah, FL, 33010, as part of the licensee’s business activity within the City, does not operate within the approved business hours operations. (LICENSE DIV.)~~ **WITHDRAWN**

11. First reading of proposed ordinance authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to enter into a lease agreement between the City, as Landlord, and Hialeah-Dade Development, Inc., a Florida not-for-profit corporation, as Tenant, for use of first floor office space comprising of 957 square feet located at City Hall, 501 Palm Avenue, Hialeah, Florida, for a period of two years, commencing on October 1, 2013 and ending on September 30, 2014, for an annual amount of \$22,968.00, payable in equal monthly rental payments, in the form as attached hereto as Exhibit “1”; providing penalties for violation hereof; providing for a severability clause and providing for an effective date. (PURCHASING DIV.) **APPROVED (6-0-1)**

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Caragol. MOTION PASSED (6-0-1)

12. Board Appointments – **NONE**

13. Unfinished Business - **NONE**

14. New Business - **NONE**

15. Comments and Questions –

- a. **Mayor Hernandez congratulated the Special Events Department for the events that the personnel has organized and wished all a Happy Thanksgiving.**
- b. **Council President Garcia-Martinez stated that at the Turkey Trot on November 25, 2013 the kids had a great time, and congratulated the Parks and Recreation and Special Events Department for their accomplishments.**

Administration of Oath to all applicants and anyone who will be speaking before the City Council on any Zoning, Land Use or Final Decision item.

Attention Applicants: Items approved by the City Council are subject to the Mayor's approval or veto. The Mayor may withhold his signature or veto the item. If the Mayor's signature is withheld, the item is not effective until the next regularly scheduled meeting. If the Mayor vetoes the item, the item is rejected unless the Council overrides the veto at the next regular meeting.

REPORT: All were duly sworn in by the Acting City Clerk in English and by MariCarmen Lopez in Spanish.

ZONING

PZ 1. First reading of proposed ordinance rezoning property from R-1 (One Family Residential District) to R-3-2 (Multiple-Family District) and granting a Variance Permit to allow a lot coverage of 50%, where a maximum of 30% is allowed, to allow a front setback of 5 feet, where 25 feet are required, and to allow a street side setback of 5 feet, where 15 feet are required, contra to Hialeah Code §§ 98-589, 98-590 and 98-2056(b)(2). **Property located at 1120 West 37 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Javier L. Vazquez, Esq.*) **APPROVED (6-0-1)**

REPORT: Javier Vazquez, the applicant's representative, 1450 Brickell Avenue, presented his case to the Council.

Motion to Approve made by Councilwoman Casals-Muñoz and seconded by Councilman Caragol. MOTION PASSED (6-0-1)

PZ 2. First reading of proposed ordinance rezoning from C-2 (Liberal Retail Commercial) to P (Parking District) and granting a Variance Permit to allow 32 parking spaces, where 36 are required, to allow a front setback of 20.8 feet, where 25 feet are required, and to allow a corner side setback of 7 feet, where 15 feet are required, contra to Hialeah Code §§98-589, 98-590 and 98-2189(19)b., on property zoned R-3 (Multiple-Family District). **Property is composed of contiguous vacant lots located at 601 East Okeechobee Road, 610 Park Drive and vacant lot located on the northeast corner of the intersection of southeast 6 Avenue and Okeechobee Road, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: LeJeune Airport Park Suite Inc.*) **ITEM TABLED BECAUSE THE APPLICANT WAS NOT PRESENT.**

Motion to table the item made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez. MOTION PASSED (6-0-1)

- PZ 3. First reading of proposed ordinance repealing and rescinding Hialeah, Fla., Ordinance 1981-128 (September 22, 1981), and rezoning property from R-1 (One Family Residential District) to R-O (Residential Office District) to allow the development of a residential office according to the site plan prepared by RWB Linares, Architecture, dated October 11, 2013, on property zoned R-1 (One Family Residential District). **Property located at 355 West 49 Street, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Roberto Sanchez & Maria Mrial*) **APPROVED (6-0-1)**

REPORT: Natalie Valle, Officer Manager at the Office of Robert Sanchez, the applicant's representative, 2867 West 48 Street, Hialeah, FL, addressed the Council on this item.

Motion to Approve made by Councilman Hernandez and seconded by Council Vice President Gonzalez. MOTION PASSED (6-0-1)

- PZ 4. First reading of proposed ordinance granting a Variance Permit to allow no front setback, where 10 feet are required, for a distance of 115.84 feet to accommodate the building façade to the north, to allow a rear setback of 4 feet, where 15 feet are required, for the first three levels only and to accommodate the garage access ramps, to allow a street side setback of 2.66 feet, where 10 feet are required, to accommodate a portion of the retail space at the southwest corner, contra to Hialeah Code §§ 98-1630.3 (e)(1) and 98-1630.3(e)(2). **Property located at 2701 and 2735 East 4 Avenue, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: JRJ Florida Investments LLC & JRJ 4th Avenue Invest. LLC*) **ITEM TABLED BECAUSE THE APPLICANT WAS NOT PRESENT.**

Motion to table the item made by Councilwoman Casals-Muñoz and seconded by Councilman Caragol. MOTION PASSED (6-0-1)

- PZ 5. Recommendation of denial for a Variance Permit to allow 3 parking spaces where 11 are required. Property located at 2755 West 81 Street, Suite 7, Hialeah, zoned M-1 (Industrial District). (*Applicant: Randell Vincent Hulan*) **DENIED (5-1-1)**

Motion to uphold the denial made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez. MOTION PASSED (5-1-1)

- PZ 6. First reading of proposed ordinance granting a Special Use Permit (SUP) to extend the Neighborhood Business Overlay District Regulations on property located at an activity node area having a land use classification of commercial pursuant to Hialeah Code § 98-1630.8, and granting a Variance Permit to allow a building height of 105 feet and 10 stories, where a maximum 95 feet and 9 stories are allowed, to allow 802 parking spaces, where at least 1,148 parking spaces are required, to allow 113 residential units with less

than 850 square feet, where no more than 35 units with a minimum of 600 square feet are allowed, and allow an interior setback of 10 feet, where a minimum of 15 feet is required, contra to Hialeah Code §§ 98-1630.2, 98-1630.3(b), (e)(2), and 98-2189(16). **Property located at 401 and 435 Hialeah Drive, Hialeah, Florida.** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date. (*Applicant: Shoma Retail, LLC. c/o Felix M. Lasarte, Esq.*) **THE LASARTE LAW FIRM HAS REQUESTED THAT THIS ITEM BE TABLED. / ITEM TABLED.**

Motion to table the item made by Councilwoman Casals-Muñoz and seconded by Council Vice President Gonzalez. MOTION PASSED (6-0-1)

NEXT CITY COUNCIL MEETING: December 10, 2013 at 7:00 P.M.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: February 25, 2014 at 6:30 p.m.

Meeting was adjourned at 7:43 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than seven (7) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).